



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/171805

PRELIMINARY RECITALS

Pursuant to a petition filed February 02, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance (MA), a hearing was held on April 12, 2016, at Milwaukee, Wisconsin.

The issues for determination are whether this appeal is timely as to an April 2014 denial of a March 2014 BadgerCare+ application and whether Petitioner had any other Medicaid coverage available to pay for a May 2014 medical bills.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner filed this appeal seeking Medicaid payment for medical services provided to him in late May 2014.

3. Petitioner applied for BadgerCare+ in March 2014. The agency requested verification of employment. That was not provided and, on April 11, 2014, the agency sent Petitioner a notice informing him that the application had been denied for lack of verification. That notice was sent to Petitioner at the address provided on the application and contained appeal instructions noting an appeal deadline of May 27, 2014.
4. Petitioner reapplied for BadgerCare+ in March 2015. That application was approved and backdated to January 2015.
5. ForwardHealth records indicate that Petitioner had BadgerCare Core benefits from January 1, 2009 through April 30, 2010 but no other Medicaid coverage until the January 2015 certification of BadgerCare+ eligibility.

DISCUSSION

In order for the Division of Hearings and Appeals to have authority to make a determination on the merits of a matter it must have authority to do so. It does not have authority where an appeal is untimely. A timely hearing request concerning Medical Assistance matters, including BadgerCare+, must be filed within 45 days of the notice of the county agency decision. §49.45(5)(a), *Wis. Stats.* This appeal was filed with the Division of Hearings and Appeals past the May 27, 2014 deadline for an appeal of the notice indicating that Petitioner's BadgerCare+ application was denied.

Further, Petitioner had no other Medicaid coverage for May 2014.

CONCLUSIONS OF LAW

1. That Petitioner's appeal is untimely as to an April 2014 denial of a BadgerCare+ application.
2. That Petitioner was not certified as eligible for BadgerCare+ or any other Medicaid coverage in May 2014 thus Medicaid cannot pay for medical bills incurred in late May 2014.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 31st day of May, 2016

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on May 31, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability